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21 Attorneys for Defendant
22 Unum Life Insurance Company of America

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 LOUIS WILKINS,
20 Plaintiff,
21 vs.
22 UNUM LIFE INSURANCE COMPANY
23 OF AMERICA; HSBC NORTH
24 AMERICA HOLDINGS, INC. LONG
25 TERM DISABILITY PLAN,
26 Defendants.

Case No. 3:10-02940 JSW

JOINT STIPULATION AND [PROPOSED]
ORDER FOR ASSIGNMENT TO
MAGISTRATE JUDGE FOR A
SETTLEMENT CONFERENCE AND TO
EXTEND CERTAIN DISCOVERY AND
DISPOSITIVE MOTION DATES

CURRENT DCO: 9/29/2011

REQUESTED DCO: 60 DAYS POST
SETTLEMENT CONFERENCE

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28 IT IS HEREBY STIPULATED by and between plaintiff Louis Wilkins and defendant

1 UNUM LIFE INSURANCE COMPANY OF AMERICA ("UNUM"), through their attorneys of
 2 record, for an order to assign this case to a Magistrate for a Settlement Conference and to
 3 continue the discovery cutoff and motion filing deadlines to dates 60 and 90 days (respectively)
 4 after the Settlement Conference, for good cause as follows:

5 By a prior Stipulation and Order, the original discovery cut off was continued by 60 days
 6 in order that the parties could participate in private mediation. The parties participated in the
 7 mediation before Robert J. Kaplan. The parties reached a partial settlement of some issues at the
 8 mediation, but as of this date have been unable to resolve some of the non-monetary issues to the
 9 satisfaction of all parties. The parties request the additional time provided by this Stipulation
 10 because they believe it will allow them to resolve all issues and reach a final settlement soon.

11 However, in light of the possibility that the case is not resolved, the parties request an
 12 assignment to a Magistrate Judge for a Settlement Conference to take place before the parties
 13 proceed with the discovery and final dispositive motions. To that end, the parties stipulate and
 14 request that the Court continues both the discovery cut off as well as the motion filing deadline to
 15 60 and 90 days, respectively, after whatever date the Settlement Conference takes place. The
 16 Discovery continuance relates only to the parties' dispute regarding two depositions as previously
 17 set forth in the parties' prior Stipulation. Good cause exists to continue these two pretrial
 18 deadlines because it is believed the case has a strong likelihood of settling completely, and
 19 without a continuance of the dates, the parties would have to abandon settlement discussions and
 20 engage in discovery and extensive motion practice. Judicial and party resources would be best
 21 conserved by first holding a Settlement Conference.

22 The parties further agree, that the Defendant's representative can participate in the
 23 Settlement Conference telephonically.

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3 DATED: September 22, 2011

KANTOR & KANTOR, LLP

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By: /s/ Glenn R. Kantor

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Glenn R. Kantor
Peter S. Sessions
Attorneys for Plaintiff
Louis Wilkins

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10 DATED: September 22, 2011

WILSON, ELSER, MOSKOWITZ,
EDELMAN, & DICKER LLP

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By: /s/ Francis Torrence

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Francis Torrence
Thomas M. Herlihy
Attorneys for Defendant
Unum Life Insurance Company of America

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1 **ORDER**

2 Pursuant to the Stipulation of the Parties and for good cause appearing, the Court assigns
3 a randomly assigned Magistrate Judge
4 this case to a Settlement Conference before Magistrate _____. The discovery cut-off
5 in this matter is continued from September 29, 2011 to 60 days after the Settlement Conference
6 takes place (solely relating to the parties' stipulation regarding the two previously scheduled
7 depositions: plaintiff retains his right to notice the depositions, and defendant maintains its right
8 to object to the depositions), and the date for the parties to file their dispositive motions is
9 continued to 90 days post Settlement Conference. The settlement conference shall be completed
within 90 days, if possible.

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11 **IT IS SO ORDERED.**

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13 DATED: September 23, 2011

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15 HONORABLE JEFFREY S. WHITE
16 UNITED STATES DISTRICT JUDGE

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18 cc: Magistrate Referral Clerk

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